

UNITED STATES PATENT AND TRADEMARK OFFICE

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*MAR 25 2004*

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

PAT. & TM. OFFICE  
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AND INTERFERENCES

Ex parte BRIAN A. DAY

Application No. 09/589,930

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on February 9, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 24. 2003, an Examiner's Answer was mailed (Paper No. 9). Upon review of the Examiner's Answer, it appears there is no evidence that an appeals conference was conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, February 2003):

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

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Therefore, the Examiner's Answer, with respect to the appeals conference, does not comply with the procedures set forth in MPEP § 1208.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for taking corrective action regarding the appeals conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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